

AO 91 (Rev. 08/09) Criminal Complaint

UNITED STATES DISTRICT COURT **FILED**for the  
Western District of Texas

2011 MAR 23 AM 10:14

CLERK US DISTRICT COURT  
WESTERN DISTRICT OF TEXAS

United States of America )

v. )

Robert Douglas Shaw )

Case No. )

A-11-M-211 )

BY JB

DEPUTY

Defendant(s)

**CRIMINAL COMPLAINT**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of March 22, 2011 in the county of Travis in the  
Western District of Texas, the defendant(s) violated:*Code Section*

Title 21 USC Section 846 -

*Offense Description*

Conspiring to knowingly and intentionally possess cocaine with the intent to distribute

Title 18 USC Section 2

Aiding and abetting an offense against the United States

This criminal complaint is based on these facts:

See attached "Affidavit"


☒ Continued on the attached sheet.

Complainant's signature

Mark Wilton Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: 3/23/11City and state: Austin, TX

Judge's signature

**ROBERT PITMAN**  
**U.S. MAGISTRATE JUDGE**

Printed name and title

AFFIDAVIT

The affiant being duly sworn does depose and state the following:

1. That I am currently employed as a Special Agent in the Bureau of Alcohol, Tobacco and Firearms (ATF) and have been so since April 1988. That during this time I have conducted and participated in numerous investigations concerning the illegal possession of firearms, Federal controlled substance and conspiracy laws and the commission of violent crimes.

2. That in February of 2011, ATF received information from a confidential informant who stated that a subject identified as Markel Clay, B/M, 2-28-1985 was interested in conducting the robbery of a "stash house" where cocaine was trafficked. This informant stated that Clay had done these types of robberies in the past and was continuing to do them.

3. On February 25, 2011, an undercover agent (UC) met with Clay in Austin, Texas. During the course of this conversation, the UC told Clay the following:

- The UC was a courier for a drug trafficking family and took 10 kilograms of cocaine to Atlanta about once a month and had been doing so for the past several months
- The UC picked this cocaine up at a residence occupied by two armed drug traffickers.
- The UC was no longer being paid by this family, had become disgruntled and was looking for a group of individuals to assist him in stealing the cocaine from the residence. The UC asked Clay if he had done this before and he stated that he had. Clay stated that he knew a buyer for the cocaine and that he could sell it after it was stolen.

AFFIDAVIT (Continued)

Clay told the UC that he had associates who would also commit this robbery with Clay and that they had firearms. Clay said that the occupants in the residence were going to be beaten and tied up during the robbery.

4. That on March 3, 2011, in furtherance of this conspiracy, Clay again met with the undercover (UC) ATF agent in Austin, Texas. At this meeting, Clay again reiterated that he and his associates were ready and willing to commit this robbery and that if anyone inside the residence reached for a gun, they were going to be shot. During this meeting the UC agent purchased one gram of methamphetamine from Clay who agreed to bring it to the UC agent later. Clay called a subject identified as Amber Phillips, W/F, 06/01/90 and Phillips picked Clay up and went to obtain the methamphetamine.

5. That on March 7, 2011, in furtherance of this conspiracy Markel Clay, Amber Phillips and an additional subject who identified themselves as "Doug" met with the UC agent in Austin, Texas. The UC agent recognized "Doug" to be Robert Douglas Shaw, B/M, 05/28/1980. During this meeting Phillips gave the UC agent a glass vial containing the gram of methamphetamine the UC agent had previously paid Clay for. During the course of this meeting the UC agent told Shaw and Phillips the following:

- The UC agent was taking 10 kilograms of cocaine at a time to Atlanta, Georgia in an ice chest and had been doing so for almost a year.
- The UC agent picked this cocaine up from a location occupied by two family members who had a shotgun in the residence.
- The UC agent was attempting to find a crew of individuals to rob the cocaine from this residence.

AFFIDAVIT (Continued)

Shaw stated that he had done this before and that they had a fourth individual who would be coming with them and that he was "experienced" as well. These subjects said that they had firearms and that they were going to use masks, gloves and duct tape during the robbery. Your affiant checked the criminal histories of these individuals and found that Markel Clay has previously been convicted of the felony offense of Burglary of a Building. Robert Shaw has previously been convicted of the felony offense of Aggravated Assault with a Deadly Weapon.

6. That on March 10, 2011, in furtherance of this conspiracy, the UC agent met with Clay, Phillips and Shaw. During this meeting, Clay stated that he was going to tie the UC agent up during the robbery and Shaw stated that the subjects had guns, tape and gloves and were going to get masks. Clay and Shaw stated that they were ready to steal the cocaine and were waiting for the UC agent to tell them when it arrived.

7. That on March 16, 2011, in furtherance of this conspiracy, the UC agent met with Clay. Clay stated that he and his associates were ready and that they would be using pistols and possibly a "short" shotgun. Clay stated that they were going to shoot anyone who did not move fast enough. Clay stated that they had duct tape, gloves and were going to obtain "zip ties". Clay also stated that they would be wearing bandanas during the robbery.

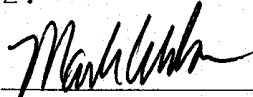
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AFFIDAVIT (Continued)

8. That on March 22, 2011, in furtherance of this conspiracy, the UC agent met with Clay, Phillips, Shaw and an individual identified as Arthur Gonzales, 3/06/1991. Gonzales is on Felony Probation for Burglary. These subjects met the UC agent for the purpose of committing the robbery and theft of 10 kilograms of cocaine. All stated that they were ready to commit the robbery and discussed details about how to do it. Gonzales said that had committed this type of crime before and had guns. Gonzales stated that he had another associate who was close by who was holding the firearms that were going to be used in the robbery. All of these suspects aided and abetted each other in furtherance of the commission of these crimes. These suspects were placed under arrest after meeting with the UC agent and found to be in possession of the following evidence:

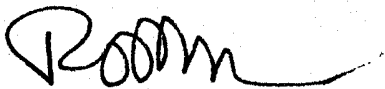
Bandanas, duct tape, gloves, a hockey mask and two black "BB" type pistols.

9. That to the best of my knowledge and belief, all statements made in this affidavit are true and correct and that based on the foregoing facts, I believe probable cause exists for the issuance of arrest warrants for Markel Clay, Robert Shaw, Arthur Gonzales and Amber Phillips for conspiring to knowingly and intentionally possess with intent to distribute cocaine in violation of Title 21 USC 846 and aiding and abetting each other in the commission of an offense, in violation of 18 USC Section 2.



Mark Wilson  
Special Agent, ATF

Sworn to and subscribed before me this 23rd day of March, 2011.



Robert Pitman  
U. S. Magistrate Judge